

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JUAN LOPEZ,

**Plaintiff,**

V.

G TAINO, *et al.*,

## Defendants.

Case No. 2:19-cv-01178-APG-NJK

## ORDER

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12 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983.  
13 Plaintiff has submitted an application to proceed *in forma pauperis*. Docket No. 3. Based on the  
14 financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee  
15 in this matter.

16 The Court imposed a 90-day stay and entered a subsequent order in which the parties were  
17 assigned to mediation by a court-appointed mediator. Docket Nos. 8, 12, 13 14. A settlement was  
18 not reached at the mediation, and the case therefore is being returned to the normal litigation track.  
19 Docket No. 16.

20 For the foregoing reasons, **IT IS ORDERED** that

21       1. Plaintiff's application to proceed *in forma pauperis*, Docket No. 3, is **GRANTED**.  
22 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event this action  
23 is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

24       2. The movant herein is permitted to maintain this action to conclusion without the  
25 necessity of prepayment of any additional fees or costs or the giving of security therefor. This  
26 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service  
27 of subpoenas at government expense.

1       3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall  
2 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
3 month's deposits to Plaintiff's account (Juan Lopez, 2:19-cv-01178-APG-NJK), in the months that  
4 the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The  
5 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.  
6 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate  
7 Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

8       4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
9 of Plaintiff's complaint, Docket No. 1-1, on the Office of the Attorney General of the State of  
10 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not  
11 indicate acceptance of service.

12       5. Service must be perfected no later than **January 26, 2021**, pursuant to Fed. R. Civ.  
13 P. 4(m).

14       6. Subject to the findings of the screening order, Docket No. 8, no later than  
15 **November 18, 2020**, the Attorney General's Office shall file a notice advising the Court and  
16 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the  
17 defendants for whom it does not accept service, and (c) the names of the defendants for whom it  
18 is filing the last-known-address information under seal. As to any of the named defendants for  
19 whom the Attorney General's Office cannot accept service, the Office shall file, under seal, but  
20 shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it  
21 has such information. If the last known address of the defendant(s) is a post office box, the  
22 Attorney General's Office shall attempt to obtain and provide the last known physical address(es).

23       7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
24 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
25 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General  
26 has not provided last-known-address information, Plaintiff shall provide the full name and address  
27 for the defendant(s).

1       8. If the Attorney General accepts service of process for any named defendant(s), such  
2 defendant(s) shall file and serve an answer or other response to the complaint no later than  
3 **December 28, 2020.**

4       9.     Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been  
5     entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
6     submitted for consideration by the Court. Plaintiff shall include with the original document  
7     submitted for filing a certificate stating the date that a true and correct copy of the document was  
8     mailed or electronically filed to the defendants or counsel for the defendants. If counsel has  
9     entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the  
10    notice of appearance, at the physical or electronic address stated therein. The Court may disregard  
11    any document received by a district judge or magistrate judge which has not been filed with the  
12    Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to  
13    include a certificate showing proper service.

14 10. This case is no longer stayed.

15 DATED: October 28, 2020.

  
NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE